

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

CASE NO. 25-14107-CIV-CANNON

STATE OF FLORIDA,

Plaintiff,

v.

THEODORE KEITH GRIFFIN,

Defendants.

/

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING COMPLAINT BY THREE-STRIKER LITIGANT**

THIS CAUSE comes before the Court upon United States Magistrate Judge Shaniek Mills Maynard's Report & Recommendation that this case be dismissed (the "Report") [ECF No. 5]. On April 4, 2025, the Court received and docketed Defendant Theodore Keith Griffin's *pro se* filing titled "Notice of Removal" [ECF No. 1], as well as a Motion for Leave to Proceed *In Forma Pauperis* ("IFP") [ECF No. 3]. On April 28, 2025, Judge Maynard entered her Report, noting Defendant's status as a prolific filer and a "three-striker" under 28 U.S.C. § 1915(g); recommending that Plaintiff's Motion to Proceed IFP be denied; and further recommending dismissal of this case [ECF No. 5 p. 4]. Defendant did not file any objections to the Report, and the time to do so has expired.

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court

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reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784.

Following review, the Court finds no clear error in the well-reasoned Report. Plaintiff is subject to the PLRA's three-strikes rule, has not prepaid the filing fee, and does not meet the imminent danger exception, so his action warrants dismissal under 28 U.S.C. § 1915(g). As noted above, the Motions filed by Defendant in this case after the expiration of his time to object to the Report—a Motion to Suppress Evidence [ECF No. 7]; a Petition for Writ of Habeas Corpus [ECF No. 8]; a Demand for Statement of Particulars [ECF No. 9]; an Emergency Motion for Habeas Corpus Relief [ECF No. 10]; and a Motion to Strike or Quash Information [ECF No. 11]—are plainly frivolous and have no bearing on the dismissal of Defendant's Notice of Removal or Judge Maynard's Report.

For the reasons set forth in the Report [ECF No. 5 pp. 2–3], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**.
2. Plaintiff's Notice of Removal [ECF No. 1] is **DISMISSED**.
3. Defendant's Motion to Proceed *In Forma Pauperis* [ECF No. 3] is **DENIED**.
4. The Clerk is directed to **CLOSE** this case.
5. All pending Motions are **DENIED** as **MOOT**.
6. The Clerk is directed to **MAIL** a copy of this Order to Defendant at the address listed below.

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ORDERED in Chambers in Fort Pierce, Florida, this 12th day of June 2025.



AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: **Theodore Keith Griffin**
002640
Martin County Jail
800 S.E. Monterrey Road
Stuart, Florida 34994